COMBINED DECLARATION AND POWER OF ATTORNEY FOR USA PATENT APPLICATION

(includes Reference to PCT International Appl)

Attorney's Docket ID: **2162-001**

As a below named inventor, I hereby declare that:
My residence, post office address and citizenship are as stated below adjacent to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **PEDIATRIC VENTILATION MASK AND HEADGEAR SYSTEM**
the specification of which:

- [X] is attached hereto.
- [ ] was filed as United States Application
  Serial No.
  on
  and was amended
  on (if applicable).
- [ ] was filed as PCT International Application.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above. I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT International application which designated at least one country other than the United States of America, listed below and have also identified below, where priority is not claimed, any foreign application for patent or inventor's certificate, or any PCT International application, having a filing date before that of the application on which priority is claimed. (___ ADDITIONAL APPLICATIONS IDENTIFIED ON ATTACHED SHEET)

Prior Foreign Application No.	Country	Day/Month/Year Filed	Priority Not Claimed

I hereby claim the benefit under 35 U.S.C. 120 of any U.S. application(s), or 365(c) of any PCT application designating the U.S., listed below; and insofar as the subject matter of each claims of this application is not disclosed in the prior U.S. or PCT application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT filing date of this application. (___ ADDITIONAL APPLICATIONS IDENTIFIED ON ATTACHED SHEET.)

U.S. or PCT Parent Application No.	Parent Filing Date (Day/Month/Year)	Parent Patent No. (if applicable)

POWER OF ATTORNEY: As a named inventor, I hereby appoint **Sean W. Goodwin (Reg. No. 39,568)** to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Send Correspondence to: **GOODWIN BERLIN McKAY**
The Burns Building
Suite 360, 237 – 8th Avenue S.E.
Calgary, AB T2G 5C3 CANADA

Telephone No. 403-203-0107

Direct Calls to: Sean W. Goodwin

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1000 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

SOLE OR FIRST INVENTOR		Citizenship	CANADIAN
Given Name (first and middle [if any])	SHELLY	Family Name or Surname	BOHN
Full Post Office Address	50 COVENTRY WAY N.E., CALGARY, ALBERTA, T3K 5H3, CANADA		
Residence - City, State/Country (if different from PO address)			
SIGN AND DATE HERE Inventor's Signature	Shelly Bohn	Date	Jan 29/2002

SECOND JOINT INVENTOR (if any)		Citizenship	CANADIAN
Given Name (first and middle [if any])	NANCY	Family Name or Surname	QUENNELL
Full Post Office Address	123 BOW RIDGE CRESCENT, COCHRANE, ALBERTA, T4C 1V2, CANADA		
Residence – City, State/Country (if different from PO address)			
SIGN AND DATE HERE Inventor's Signature	Nancy Quennell	Date	Jan 29/02

THIRD JOINT INVENTOR (if any)		Citizenship	
Given Name (first and middle [if any])		Family Name or Surname	
Full Post Office Address			
Residence - City, State/Country (if different from PO address)			
SIGN AND DATE HERE Inventor's Signature		Date	

FOURTH JOINT INVENTOR (if any)		Citizenship	
Given Name (first and middle [if any])		Family Name or Surname	
Full Post Office Address			
Residence - City, State/Country (if different from PO address)			
SIGN AND DATE HERE Inventor's Signature		Date	

NOTICE OF DUTY OF DISCLOSURE

IMPORTANT

Duty of Disclosure (Rule 56)

It is mandatory that information of which you are aware or become aware of during the prosecution of the application up until issuance of a patent and which is "Material to patentability" be disclosed to the PTO (Information Disclosure Statement (IDS)). Submission of such information is necessary to comply with the rules of the Patent and Trademark Office (PTO) and to lessen the likelihood of attacks, in any subsequent litigation, on the validity or enforceability of the patent on the ground of **"inequitable conduct"** Information which must be submitted includes not only printed publications but also offers for sale and public uses of the invention in the U.S. more than one year prior to the U.S. filing date. The PTO considers information material to patentability:

> "...when it is not cumulative to information already of record or being made of record in the application, and
> (1) it establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
>
> (2) it refutes or is inconsistent with, a position the applicant takes in:
> (i) opposing an argument of unpatentability relied on by the office, or
> (ii) asserting an argument of patentability.
>
> A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in any attempt to establish a contrary conclusion of patentability."

If the materiality of the information is not clear, please send it to us, as soon as possible after its dis covery, for our evaluation. The filing of an IDS shall not be considered in any way to be an admission that the information is or is considered to be material to patentability.

Timing

To minimize the necessity of paying fees in order to have such information considered by the PTO, we strongly advise you to:

(a) send all known material information to us at the latest **1 month** after a new application is filed;

(b) send all material information to us at the latest **1 month** after it is first discovered by a person having a duty of disclosure under the rule (the latter are inventors, attorneys or agents prosecuting the application and associates of the inventors or assignees involved with the application); and

(c) send a copy of the search report in a counterpart foreign application and all references cited therein (or preferably English language equivalents thereof) to us at the latest **1 month** after its mailing date from the foreign patent office.

In case (b) above, inform us of the date on which the information first came to the attention of a person having a duty of disclosure. In case (e), inform us of the mailing date from the foreign patent office of such communication.

Non-English Language References

Non-English language references will not be considered by the PTO unless:

(1) an English language equivalent or translation is provided,

(2) an individual associated with the filing of the application and most knowledgeable about the content of the reference provides a concise explanation of its relevance, to the best of his/her knowledge; a concise explanation may be provided by pointing out and providing a translation of the pertinent portions of the reference, or

(3) the information was cited in a search report by a foreign patent office and an English language version or translation of the search report indicating the relevance of the reference is submitted.

To minimize questions of validity based on a non-English language reference, option (1) is preferable, especially if the invention is of commercial importance. While proceeding under option (2) or (3) may be sufficient to comply with the Rule, any resultant presumption of validity over the non-English language reference(s) may be overcome in litigation, e.g., if the explanation is shown to be inaccurate or incomplete. Also, we foresee that explanations under option (2) may be challenged in litigation on the ground that they were not made by "the person most knowledgeable"

THE DUTY OF DISCLOSURE APPLIES TO ALL INDIVIDUALS SUBSTANTIVELY INVOLVED IN THE PREPARATION OR PROSECUTION OF THE APPLICATION.
THE DUTY IS A CONTINUING OBLIGATION WHICH DOES NOT CEASE UNTIL THE PATENT IS GRANTED.

Acknowledged: Shelly J Bohn **Date:** Jan 29/2002
Shelly BOHN

Acknowledged: Nancy Quennell **Date:** Jan 29/02
Nancy QUENNELL